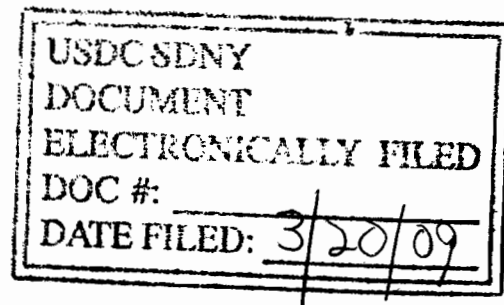


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



----- X

JAMES JOHNSON,

Petitioner,

- against -

DALE AARTUZ,

Respondent.

----- X

SHIRA A. SCHEINDLIN, U.S.D.J.:

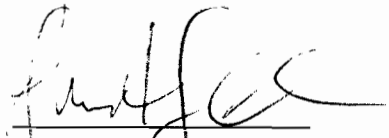
ORDER

07 Civ. 5905 (SAS) (FM)

On February 20, 2009, Magistrate Judge Frank Maas issued a Report and Recommendation in which he recommends that the petition brought by James Johnson pursuant to 28 U.S.C. § 2254 be dismissed. Unfortunately, the Report and Recommendation was mailed to the wrong facility and petitioner did not receive it until March 3, 2009. Petitioner therefore requests an additional fifteen to thirty days in which to reply to the Report and Recommendation.

Petitioner must submit his objections by April 10, 2009. All papers must be sent to this Court's Pro Se Office at 500 Pearl Street, Room 230, New York, New York 10007, and must be served upon Respondent's counsel. The Clerk of the Court is directed to close petitioner's motion for an extension of time (Document # 12).

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Shira A. Scheindlin', written over a horizontal line.

Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
March 19, 2009

- Appearances -

Petitioner (Pro Se):

James Johnson
03-A-4592
Clinton Correctional Facility
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Dannemora, NY 12929

For Respondent:

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